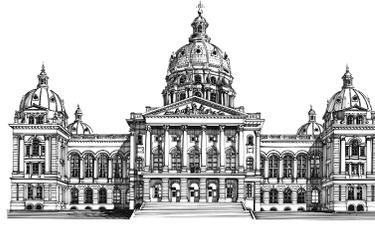


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# Iowa Legislative Fiscal Bureau

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## Overview: Iowa Judicial Branch

### ISSUE

This *Issue Review* describes the Judicial Branch organization and identifies major issues, including funding and staffing trends, caseloads, technology changes, an historical overview of judicial salaries and benefits, and the collection of fines, fees, and other charges.

### AFFECTED AGENCIES

Judicial Branch

### CODE AUTHORITY

Chapter 602, Code of Iowa

### BACKGROUND

Iowa's Court System consists of the Supreme Court, the Court of Appeals, and the District Courts. There are a total of 333 judicial officers. The major components are as follows:

- The **Supreme Court** consists of a Chief Justice and six Justices. The Court has general appellate jurisdiction for criminal and civil cases and exercises supervisory and administrative control over the Court System pursuant to Article V, Constitution of Iowa. Appeals are made directly to the Supreme Court in Iowa. The Iowa Supreme Court has original jurisdiction or authority to hear evidence in a limited number of cases. The Iowa Supreme Court may transfer a case to the Iowa Court of Appeals for consideration. The Supreme Court retains cases involving:
  - Substantial constitutional questions as to the validity of a statute, ordinance, or court or administrative rule.
  - Substantial issues in which there is, or is claimed to be, a conflict with a published decision of the Court of Appeals or Supreme Court.
    - Substantial issues of first impression or an issue that has never been formally interpreted by the Supreme Court.
    - Fundamental issues of broad public importance requiring prompt or ultimate determination by the Supreme Court.

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- Discipline of attorneys.
- Substantial questions of enunciating or changing legal principles.

The Supreme Court also determines the rules for admission to the bar and disciplinary procedures for licensing attorneys, for continuing education for attorneys and judges, and for regulating appellate practice and procedure for the trial and appellate courts.

- The **Court of Appeals** hears cases referred by the Supreme Court. Litigants may request further review of the rulings of the Court of Appeals by the Supreme Court. The Court of Appeals consists of a Chief Judge and eight Associate Judges.
- Iowa has a unified trial court system, referred to as the **District Court**. The District Court handles all types of civil, criminal, juvenile, and probate cases. The State is divided into eight judicial districts. Each district is headed by a Chief Judge that exercises administrative supervision within that district. There are five types of judgeships with differing levels of responsibilities, including:
  - Magistrates who issue search warrants and emergency hospitalization orders, hold preliminary hearings and preside at trials of small claims (\$4,000 or less), simple misdemeanors, and forcible entry and detained actions. Magistrates, unlike other judges, are not required to be attorneys as are the other judges. There are 134 full-time and part-time Magistrates.
  - District Associate Judges who have the same jurisdiction as magistrates, in addition to hearing indictable misdemeanors, civil actions involving \$10,000 or less, Operating While Intoxicated (OWI) felonies, and some juvenile cases. There are 54 District Associate Judges. The number of judges is determined in two ways. First, Section 602.6301, Code of Iowa, provides a formula based on county population. Second, Section 602.6302, Code of Iowa, allows for the conversion of three judicial magistrate judgeships into one district associate judgeship. Of the 54 District Associate judgeships, 34 resulted from the formula, 19 resulted from conversions, and one was created by Chapter 207, Section 7(f), 1995 Iowa Acts.
  - Associate Juvenile Judges who handle only juvenile matters, including delinquency proceedings, children in need of assistance (CINA), abuse and neglect, and termination of parental rights proceedings. There are 12 Associate Juvenile Judges.
  - Associate Probate Judges who handle probate issues. The State has one Associate Probate Judge, located in Polk County.
  - District Judges who have general trial court jurisdiction (civil, criminal, domestic relations, and probate). There are 116 District Court Judges. The number of District Court judges is prescribed by a formula in Section 602.6201, Code of Iowa, but capped statutorily at 116 (Section 602.6201 [10], Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula was used without the cap, there would be 138 judgeships.
    - Senior Judges are assigned to temporary judicial duties within the Courts of Iowa.

In FY 2001, there were 8.25 FTE positions for Senior Judges. Iowa's Senior Judge Program helps the courts decide more cases at a lower cost to the State. Appointments to the Program are at the discretion of the Supreme Court. A Senior Judge must retire at the end of the twelve-month period during which the judge reaches seventy-eight years of age. Senior Judges work 13 weeks or one-fourth of the year.

State and district court administrators are responsible for managing the daily activities of the Judicial Branch and administering appropriated funds. Administrative functions include preparing,

submitting, and revising budget requests; accounting and disbursement of funds; purchase of supplies and equipment; collecting information and statistical data; administering the Judicial Retirement System; and providing support staff at all levels.

The Iowa Court Information System (ICIS) is located within the State Court Administration Office. ICIS is a computerized network that links all 99 counties and is designed to automate case scheduling and court data-processing throughout the State.

### CURRENT SITUATION

Some of the major issues for the courts include:

- **Number of District and District Associate Judges.** There are currently 116 District Court Judgeships. The number of District Court Judges is prescribed by a formula in Section 602.6201, Code of Iowa, but capped statutorily at 116 (Section 602.6201[10], Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula were used exclusively, there would be 135 judgeships.

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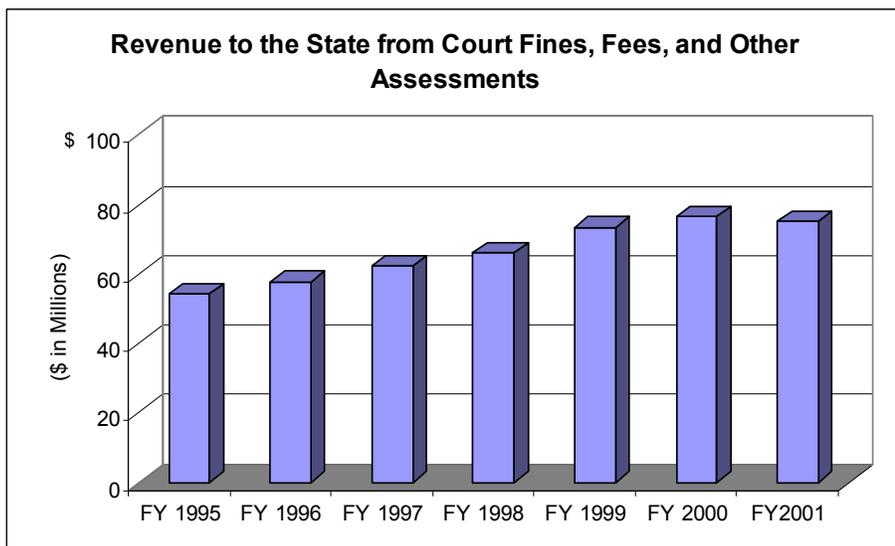
- **Increasing caseloads.** In 2000, there were a total of 1.1 million filings in district courts. The types of filings were distributed as follows:

	Number of 2000 Filings	Percent of Total	Number of 1989 Filings	Percent Increase Since 1989
Scheduled Violations	555,279	50.9	467,542	18.77
Simple Misdemeanors	272,162	24.95	272,642	-0.18
Criminal	82,356	7.55	55,888	47.36
Small Claims	83,528	7.66	67,024	24.62
Civil	68,858	6.30	49,588	38.86
Probate	17,979	1.65	23,569	-23.72
Juvenile	10,836	0.99	7,088	52.88
Total	<u>1,090,998</u>	<u>100.00%</u>	<u>943,341</u>	<u>15.65%</u>

- **Adaptation to new technology.** In 1983, the General Assembly enacted legislation converting the Court System to State funding. Prior to that time, most of the expenses of the Court System were paid by the counties, primarily through property taxes. The legislation also transferred the revenue generated by the Court System to the State General Fund. At the time of the reorganization, most of the work by the county clerk offices was done manually. The Judicial Branch recognized the need to automate.
  - Iowa Court Information System (ICIS): In FY 1988, the Department received the first appropriation for the development of the ICIS. In September 1997, the ICIS completed connecting all counties to the System. Capital costs over the decade required for installation of the ICIS System totaled \$19.2 million. Current

annual operating costs are approximately \$3.0 million. The System is intended to provide for compilation of management information and statistical data for the Courts System and other governmental agencies.

- **Criminal Justice Information Network (CJIN) Project:** The CJIN is a local area communications network that connects the databases of many criminal justice entities. The system provides judges with up-to-date information about a defendant's criminal history and the availability of jail space. CJIN systems are currently operating in Polk, Linn, Scott, and Story Counties.
- **Iowa Judicial Branch Web Site:** The Judicial Branch web site began operation in June 1998. The web site covers court procedures, the structure and history of the Courts, schedules and opinions of the Iowa Supreme Court and the Iowa Court of Appeals, and has biographies of all the justices, judges, and judicial magistrates. ([www.judicial.state.ia.us](http://www.judicial.state.ia.us))
- **Juvenile Court Officer Enhancement:** The Judicial Branch is implementing a new program to enhance the efficiency of the State's juvenile court officers. Each juvenile court officer will be provided a laptop computer that the officer can use in court or on the road. The ICIS juvenile court software module will be modified to allow downloading and uploading to a central server.
- **Fines, fees, and surcharges collected.** In total, the Courts received \$74.9 million in revenues for the State of Iowa in FY 2001. Not all of these moneys are deposited into the General Fund. The Prison Infrastructure Fund receives \$9.5 million annually to pay for the construction of prisons and community-based corrections residential facilities. The Court Technology Fund receives \$1.0 million annually. The following table shows the total revenues generated for the State since FY 1995.



- **Uncollected Fines, Fees, and Surcharges.** Approximately 30.0%, a total of \$32.5 million in FY 2001, of Court fines, fees, and surcharges remain uncollected annually.

**Judicial Salaries** - Judicial salaries are set by the General Assembly in Section 602.1501, Code of Iowa, for the following:

- Supreme Court Justices and the Chief Justice
- Court of Appeals Judges and the Chief Judge
- District Court Judges and the Chief Judge

- District Associate Judges
- Associate Juvenile Judges
- Associate Probate Judges
- Magistrates

The Judicial Salaries for FY 2002 were set in HF 746 (FY 2002 Salary Act). The table below illustrates FY 2002 Judicial Salaries.

**Table 1**  
**FY 2002 Judicial Salaries**

Chief Justice of the Supreme Court	\$ 120,920
Supreme Court Justice	116,600
Chief Judge of the Court of Appeals	116,490
Associate Judge of the Court of Appeals	112,170
Chief Judge of a Judicial District	111,140
District Judge	106,610
District Associate Judge	92,910
Associate Juvenile Judge	92,910
Associate Probate Judge	92,910
Judicial Magistrate	27,700
Senior Judges	6,180

### **BUDGET IMPACT**

Since FY 1998, judicial salaries have increased by approximately 12.6% for all salaries set by the General Assembly with the exception of Magistrates and Senior Judges. Magistrate salaries have increased by 28.2% since FY 1998 and Senior Judges' salaries have increased by 10.4% since FY 1998.

Benefits for Judges add an additional \$6.0 million to the expenditures for judicial salaries. Of that amount, \$3.2 million is appropriated directly to the Judicial Retirement Fund for the State contribution rate of 23.7% of eligible judicial salaries. Magistrates have the option to participate in IPERS for which the State contribution rate is 5.75%, but they cannot participate in the Judicial Retirement Fund.

**Table 2** below illustrates average salary and benefits by judge type, excluding Judicial Retirement contributions by the State. Benefits include life insurance, dental insurance, and health insurance, long term disability insurance, and the employer share of FICA and FICA Medical.

**Table 2**  
**Average Iowa Judicial Salaries and Benefits**

	Budgeted FY 2002
Chief Justice of the Supreme Court	\$ 133,767
Supreme Court Justice	131,702
Chief Judge of the Court of Appeals	131,779
Associate Judge of the Court of Appeals	127,375
Chief Judge of a Judicial District	126,324
District Judge	121,532
District Associate Judge	107,590
Associate Juvenile Judge	107,590

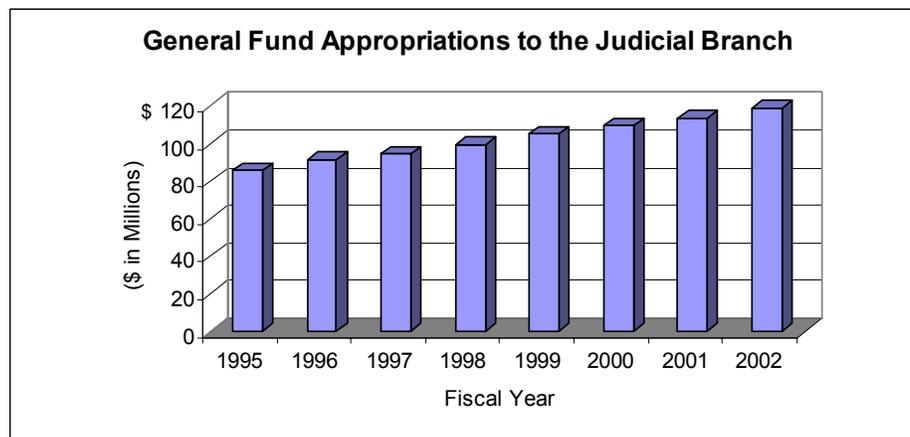
Associate Probate Judge	107,590
Judicial Magistrate	33,309
Senior Judges	6,680

**Table 3** illustrates where Iowa ranks nationally according to the National Center for State Courts Survey conducted in the summer of 2001. All ranks are based out of 50 States.

**Table 3  
National Judicial Salary Comparison**

	National Average	Iowa	Iowa's Rank
Supreme Court	\$ 119,343	\$ 113,200	30 <sup>th</sup>
Court of Appeals	117,130	108,900	26 <sup>th</sup>
District Court	106,656	103,500	28 <sup>th</sup>

The following chart shows the General Fund appropriations for the Judicial Branch for recent years. Between FY 1995 and FY 2002, the General Fund appropriation to the Judicial Branch has increased by \$32.6 million (37.9%) to a total of \$118.7 million.



The following table shows the FTE count for non-judicial staffing in the Judicial Branch over the last four years. There have been 26.1 FTE positions added, an increase of 1.6%, to the non-judicial staffing for the Judicial Branch between FY 1999 and FY 2002.

<b>Judicial Branch Non-Judicial FTE Count</b>				
<b>FY 1999-FY 2002</b>				
	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2002</u>
Supreme Court & Admin.	114.25	128.50	128.50	128.50
District Court Admin.	221.88	224.88	224.88	224.88
Court Reporters	179.56	183.56	183.56	183.56
Juvenile Court Services	286.54	289.34	289.34	289.34
Clerks of District Court	877.10	879.17	879.17	879.17
Total FTE Positions	<u>1,679.33</u>	<u>1,705.45</u>	<u>1,705.45</u>	<u>1,705.45</u>

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Overview: Iowa Judicial Branch  
<http://staffweb.legis.state.ia.us/lfb/IRVIEW/irview.htm>  
LFB: IRJDD005.Doc/11/26/01/12:15 pm/all